

**Notice of Allowability**

Application No.

10/689,266

Examiner

Ling-Siu Choi

Applicant(s)

MULLAY ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 09/15/2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

1. this Office Action is in response to the Amendment filed September 15, 2005. Claims 1-20 are now pending, wherein claims 1-15 are drawn to an amphiphilic compound and claims 16-20 are drawn to a process to prepare an amphiphilic compound.

***Allowable Subject Matter***

2. Claims 1-20 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Huffer et al. (WO 03/029309 A2).

An amphiphilic compound comprising		
A	a <b>lipophilic component</b> which is a hydrocarbon group containing about 20 or more carbon atoms	
B	a <b>hydrophilic component</b> which is selected from at least one the group consisting of	
	1	a monomer or an oligomer of an oxyalkylene group containing two or more carbon atoms or derivatives thereof
	2	a monomer or an oligomer of an oxyalkylene group containing three or more carbon atoms or derivatives thereof
	3	an oligomer comprising an oxyalkylene group containing two or more carbon atoms or derivatives thereof

		and an oxyalkylene group containing three or more carbon atoms or derivatives thereof
	4	a hydroxyamino group or derivatives thereof
	5	a polyhydric alcohol group or derivatives thereof
	6	a polyamino group or derivatives thereof
C	a <b>linker</b> covalently bonding the hydrophilic component and the lipophilic component wherein the hydrophilic compound is present in an amount sufficient to at least partially disperse the amphiphilic compound in water with the proviso that when <b>the hydrophilic component is a monomer or an oligomer of an oxyalkylene group containing two or more carbon atoms or derivatives thereof, the linker is a covalent bond between the hydrophilic component and the lipophilic component</b>	

(summary of claim 1)

Huffer et al. disclose an amphiphilic compound comprising a lipophilic part, a hydrophilic part, and **a linker which links both parts through succinic acid**, wherein the lipophilic part is formed from a polyisobutylene with a number-average molecular weight of 300 to 10000; the hydrophilic part is polyethylene glycol and wherein the compound can be dispersed or emulsify in at least one solvent (abstract; page 3, lines 1-24). However, Huffer et al. do not teach or fairly suggest the claimed amphiphilic compound having a covalent bond as the linker between the hydrophilic component and the lipophilic component when the hydrophilic component is a monomer or an oligomer of an oxyalkylene group containing two or more carbon atoms or derivatives thereof.

### ***Conclusion***

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.



LING-SUI CHOI  
PRIMARY EXAMINER

November 22, 2005